

**New measures to assist with action against nuisance callers to be announced shortly**

The **fair telecoms campaign** believes that in the next few days, DCMS will announce a package of regulatory changes, including some relating to nuisance calls, to be considered by parliament. Contrary to [a report in The Times](#), they have not yet been announced, nor put into effect.

We expect these to include revisions requested by the **Office of the Information Commissioner (ICO)** to assist its use of the powers it holds to enforce compliance with the **Privacy and Electronic Communications Regulations** by those making unsolicited marketing calls. These powers cover attended voice calls to those registered with the **Telephone Preference Service** and ALL recorded message calls, SMS messages and emails that have not been explicitly requested.

These changes may make the task of taking action easier, however they will not enable the **ICO** to investigate a higher proportion of the cases that it already knows about. A recent [move by Which?](#) to encourage more cases to be reported could reduce the ratio of actions to reports.

This ratio is seen most markedly in the case of **Ofcom's** use of its **persistent misuse powers**. These have not been used in respect of any call made since March 2011, despite the fact that complaints are currently running at the rate of nearly 460 per day. We are disappointed that **Which?** supports the current approach and prioritises measures to reduce this ratio.

We argue that the present flawed reporting and initial investigation mechanisms for nuisance calls need to be replaced, more regulators need to be involved and existing powers need to be used properly. These views are disregarded and actively opposed by **Which?**

The modest changes we expect to hear announced will make the **ICO's** task easier, and as such must be welcomed. Proposals for new primary legislation, suggested as being required to achieve this end, will be seen to have been as foolish as [we stated earlier](#).

The [two parliamentary Inquiries](#) that will take place shortly should provide a welcome opportunity for serious consideration of the issues. We hope these will dismiss the ill-considered posturing that continues to actually impede proper progress with this matter. Despite claims to the contrary, **there is no shortage of information about the scale of the problem**.

The problem itself is genuinely more complex to address than many who should understand it seek to pretend. There is a long history of ill-considered over-simplistic solutions being proposed and implemented to no effect. It has been claimed that new regulations have been introduced in areas where no power of regulation exists, penalties have been increased 400-fold with no discernible effect and the public continues to be misled about the powers that exist and the respective responsibilities of the various bodies.

We argue strongly that there must be a single specialist body exclusively representing the consumer/citizen interest in this matter, facing the public, receiving people's reports of nuisance and aggregating them in a way that must lead to action. The many relevant regulators must, as is their duty, be focussed on those they regulate, across many industries and areas of activity.

In all cases, causing nuisance by telephone must be prohibited. The **ICO** and **Ofcom** have specific powers to deal with all cases that fall through the general regulatory net. They do not however have the direct funding and the resources, nor necessarily the best powers, to do the whole job.

We will be presenting our proposals to the inquiries.

